

OLL 84-0733

Action

Office of Legislative Liaison
Routing Slip

TO:	ACTION	INFO
1. D/OLL		X
3. DD/OLL		X
3. Admin Officer		
4. Liaison		
5. <u>Legislation</u>	X	
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SUSPENSE		<u>1 Mar 84</u> Date

Action Officer:	
Remarks:	<i>Completed by OLL 84-0850 3/19/84 Filed in LEG FOIA</i>

2/23/84
Name/Date

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Central Intelligence Agency



Washington, D.C. 20505

MAR 1984

OLL 84-0850

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

This is to respond to the request of the Office of Management and Budget for the views of the Central Intelligence Agency (CIA) on H.R. 4696, a bill seeking to clarify the relationship between the Privacy Act of 1974 and the Freedom of Information Act (FOIA).

While H.R. 4696 would not affect the manner in which requests for information pursuant to the FOIA are currently handled by the CIA, I understand that other Executive Branch agencies do use the Privacy Act as a (b)(3) withholding statute in processing requests for information under the FOIA. As a result of litigation over this issue, there is now a split in the decisions of the Federal courts, and the Department of Justice has recently filed a petition for certiorari in United States Department of Justice v. Provenzano (No. 83-1045, filed December 23, 1983). The position of the Department of Justice is that the Privacy Act is an exemption (b)(3) statute.

Given the position taken by the Department of Justice and the pending request for review by the Supreme Court, we defer to the views of the Department of Justice on this issue.

Sincerely,



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1 - D/OLL

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